

307. **OPEN SPACE DEVELOPMENT OPTION.**

- A. Purposes. To allow reasonable amounts of flexibility in site planning of residential development to:
- a) protect environmentally sensitive areas and avoid severe soil erosion and sedimentation,
 - b) avoid severely increased storm water flows and speeds,
 - c) preserve areas of prime farmland,
 - d) provide additional recreation land,
 - e) direct development to those areas that are more physically suited for it,
 - f) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and plow snow upon,
 - g) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice,
 - h) conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats,
 - i) reduce construction costs and municipal maintenance costs,
 - j) provide for transitional forms of development between residential and agricultural or industrial areas or highways, with open space serving as a buffer, and
 - k) allow each property owner a reasonable use of their land, related directly to the features and location and accessibility of the land. This option will encourage the establishment of significant areas of preserved open space.
- B. Applicability. This Section 307 allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves compliance with all of the requirements of this Section 307 to the satisfaction of the Township.
1. An "Open Space Development" is a residential development that meets the requirements of this Section 307 and is granted approval by the Township as an Open Space Development. An Open Space Development shall only be allowed in zoning districts where the use is listed as allowed in Article 3.
 2. Uses. A Open Space Development shall only include the following uses: single family detached dwellings, nature preserves, Township-owned recreation, recreation uses that the Township approves to be within the preserved open space, crop farming, raising and keeping of horses, customary keeping of livestock as accessory to crop farming, utilities necessary to serve the development, and customary permitted accessory uses. A manufactured home park shall not qualify as an Open Space Development. In addition, two family dwellings with each dwelling unit separated by a vertical wall and townhouses shall be allowed in the R-S and R-SR Districts. Apartments shall only be allowed as part of an Open Space Development if all of the apartment dwellings are age-restricted as provided in Section 308. A golf course shall be allowed in the S-R district as part of an Open Space Development. A golf course may count towards up to 75 percent of the required preserved open space in the S-R district, provided the remaining 25 percent is available, at a minimum, for non-commercial outdoor recreation by the residents of the development.
 3. A tract shall be eligible for approval for an Open Space Development if it includes a minimum of 5 acres of lot area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. The amount of Preserved Open Space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features. Land area of future rights-of-way of existing streets may be deleted from the total lot area before calculating the required amount of Preserved Open Space.
 - (i) Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision plan shall not be counted towards the area of the tract in calculating Preserved Open Space or allowed density.
 - (ii) See the definition of "Open Space, Preserved" in Section 202. That definition provides that certain features not count towards Preserved Open Space.

- b. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the preserved open space, such as an agricultural barn) shall not be included within the land area used to calculate residential density.
 - c. Conservation easements or deed restrictions shall be established on lots as necessary to ensure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section 307.
4. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this Section 307.
 5. Procedures
 - a. Applicants are strongly encouraged to first submit a Layout Plan for review by the Township for zoning compliance, before completing detailed fully-engineered preliminary subdivision plans. This two-step process will allow the Township and the applicant to mutually agree upon the preserved open space and development layout before large sums of money are spent by the applicant on detailed engineering. Detailed stormwater, grading, utility, profile and erosion control plans shall not be required at the zoning compliance review stage if such matters will be submitted as part of the subdivision or land development approval process.
 - b. The applicant and Township officials are strongly encouraged to walk the tract after a detailed Existing Features Map has been provided to the Township, but before the site layout has been finalized.
- C. Density, Open Space and Lot Standards. The maximum number of dwelling units on the tract shall be determined based upon an Existing Features Map and a Yield Plan.
1. An Existing Features Map shall be required to be submitted as part of the application for an Open Space Development. This Existing Features Map shall accurately show the locations of the following at a minimum: wetlands, 100 year floodplains, areas of woodland, existing topography, existing buildings with a description of any buildings over 70 years old, highlighting of 15 to 25 percent slopes and 25 percent and greater slopes, and any major scenic views from within the tract or from outside of the tract.
 2. A Yield Plan shall be submitted to the Township by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Open Space Development provisions would not be used, and instead the provisions for conventional development in the applicable zoning district would be used. The Yield Plan shall be completed to an accurate scale, including accurately showing the Existing Feature Map information described above. The Yield Plan shall show potential lots, streets, and retention/ detention pond locations. However, the Yield Plan shall not serve as, and is not required to contain, the engineering detail requirements of a preliminary subdivision plan.
 3. The Yield Plan shall be reviewed by the Zoning Officer or the Township Engineer, and then determined by the Planning Commission as to whether it represents a reasonably accurate estimate of the number of dwelling units possible on the site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer or the Township Engineer to revise the Yield Plan until it is accurate.
 - a. The maximum number of dwelling units allowed on the tract through Open Space Development shall be 25 percent greater than the number of dwelling units that is determined by the Township to be possible under the Township-accepted Yield Plan.
 - b. The allowed number of dwelling units may be rounded to the nearest whole number.

- c. The Yield Plan shall not have any legal standing except for the purposes of determining density for an Open Space Development.
- 4. All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by this Section 307. For example, lots in an Open Space Development shall comply with any requirements of this Ordinance to delete certain natural features from lot area of individual lots. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded:
 - a. R-A District - The minimum lot area shall be 50,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the R-A district, except that the minimum lot width shall be reduced to 150 feet. A minimum of 35 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - b. RS-R District –
 - (i) If the application only involves single-family detached dwellings, then a minimum of 30 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space. Otherwise, such minimum Preserved Open Space shall be increased to 45 percent of the tract. The reduced dimensions in this subsection “b.” shall only apply if central sewage and central water services are provided.
 - (ii) For single-family detached dwellings, the minimum lot area shall be 8,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the RS-R district, except that the minimum side yard shall be reduced to 8 feet each. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - (iii) For two family detached dwellings, the minimum lot area shall be 4,500 square feet per dwelling unit and the minimum lot width shall reduced to 45 feet per dwelling unit. The minimum side yard setback shall be reduced to 5 feet each. The minimum front yard shall be reduced to 20 feet if there is no vehicle parking between the front street curb and the dwelling. Only side-by-side dwellings shall be allowed. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - (iv) For townhouses, the dimensional provisions in Section 305.A. for the applicable district shall apply, except that the density bonus provided by this Section may be utilized. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - c. S-R District –
 - (i) If the application only involves single-family detached dwellings, then a minimum of 30 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space. Otherwise, such minimum Preserved Open Space shall be increased to 40 percent of the tract. The reduced dimensions in this subsection “c.” shall only apply if central sewage and central water services are provided.
 - (ii) For single-family detached dwellings, the minimum lot area shall be 5,000 square feet. The minimum lot width shall be reduced to 50 feet, the minimum front yard to 20 feet if there is vehicle parking between the front street curb and the dwelling, and the minimum side yard shall be reduced to 5 feet each. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - (iii) For two family detached dwellings, the minimum lot area shall be 4,000 square feet per dwelling unit and the minimum lot width shall reduced to 40 feet per dwelling unit. The minimum side yard setback shall be reduced to 5 feet each. The minimum front yard shall be reduced to 20 feet if there is no vehicle parking between the front street curb and the dwelling. Only side-by-side dwellings shall be allowed. These

- reduced dimensions shall only apply if central sewage and central water services are provided.
- (iv) For townhouses, the dimensional provisions in Section 305.A. for the applicable district shall apply, except that the density bonus provided by this Section may be utilized. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - (v) For allowed apartments, the dimensional provisions in Section 305.A. for the S-R district shall apply, except that: the density bonus provided by this Section may be utilized, and any new apartment buildings shall be setback a minimum of 150 feet from the lot line of any existing single family detached dwelling that is not part of the Open Space Development.
- d. See definitions of the areas that may count towards "Open Space, Preserved" in Section 202.
5. Utilities. Any lot with a lot area of less than one acre per dwelling unit shall be served by Township-approved centralized sewer service and a Township-approved centralized water system. If the water or sewage systems are not publicly owned, the applicant shall provide evidence that there will be adequate safeguards to ensure proper long-term operation, maintenance and financing.
6. Subdivision of Part of a Tract. This subsection "6" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering Preserved Open Space to comply with this Section. Because only part of the tract is being subdivided, it may not be necessary to meet the Preserved Open Space requirement based upon the area of the entire tract.
- a. The land under the conservation easement shall be a logical shape that is subject to approval by the Township and shall be located where it could adjoin land that would be added as Preserved Open Space in the future if the total allowed number of dwellings would be developed.
 - b. The following hypothetical example assumes a tract includes 50 acres, and the Yield Plan determines that the applicant for an Open Space Development is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. At the present time, only one-third of the open space would need to be preserved, compared to if all of the allowed housing units would be developed. However, the preserved open space would need to be placed on the tract at a location where it could be joined by the remaining acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.
7. A minimum of 50 percent of the required Preserved Open Space shall be in one contiguous lot, except that the Preserved Open Space may be separated by creeks, water bodies, and a maximum of one street.
- a. As part of this type of development approval, the Board of Supervisors may approve the following, if the applicant proves to the satisfaction of the Board of Supervisors that such configuration would serve the purposes of this Section and be in the best interests of the Township, considering the unique circumstances of the tract:
 - (i) a reduction of the percentage of the preserved open space that is in one lot; or
 - (ii) the crossing of the preserved open space by two or more streets.
 - b. An accessway limited to emergency vehicles may also cross the preserved open space.

8. The Board of Supervisors may require that the majority of the required Preserved Open Space be placed:
 - a. adjacent to an existing or planned public or homeowner association-owned recreation area,
 - b. adjacent to existing farmland,
 - c. at the edge of a neighboring undeveloped lot, where the preserved open space could be connected in the future to open space on that neighboring lot, or
 - d. adjacent to an arterial street or expressway where the open space will serve to buffer homes from the traffic.

- D. Conditions for Approval. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the Township that the following additional conditions shall be met:
 1. That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, mountain ridges, important wildlife corridors/habitats, highly scenic areas or other sensitive natural features.
 - b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes. In such case, new dwellings shall be concentrated adjacent to existing dwellings and residential zoning districts.
 - c. The dedication of recreation land at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The provision of preserved open space in a location that will allow homes to be buffered from highly-noxious, nuisance-generating uses, such as a heavily traveled street or industrial uses. In such case, intensive landscaping and/or planting for eventual re-forestation shall be provided.
 2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise be difficult.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.
 3. The Township may require the use of conservation easements within an Open Space Development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.

- E. Preserved Open Space.
 1. Preserved Open Space. The minimum amount of "Preserved Open Space" shall be provided, which shall meet the requirements of this Ordinance and the definition in Section 202 of "Open Space, Preserved."
 - a. The Preserved Open Space requirements of this Section 307 shall be in addition to the Recreation Land or Fee-in-Lieu of Land requirements of the Township Subdivision and Land Development Ordinance (SALDO), unless the applicant proves to the satisfaction of the

- Board of Supervisors that the proposed Preserved Open Space would include suitably improved land that will meet the intent of the recreation land requirements of the SALDO.
2. Open Space Standards. Required Preserved Open Spaces shall meet all of the following requirements:
 - a. Preserved open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes. Forestry shall meet Township requirements and removal of healthy mature trees shall be limited to selective cutting following a Township-approved forest management plan that follows best management practices. Land approved as required Preserved Open Space shall only be used for non-commercial active or passive recreation, a non-commercial community center for meetings and recreation, a Christmas Tree Farm, a nature preserve, a horse farm, a wholesale plant nursery, crop farming and/or another Township-approved agricultural use.
 - b. Improvements to Open Spaces. Where Preserved Open Space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
 - (1) Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of undesirable vegetation, and grading of land for recreation (such as an informal open play field for youth).
 - (2) Type of Maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed, or natural areas for passive recreation that are intended for minimal maintenance.
 - c. All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - d. The applicant shall prove that all required Preserved Open Space would be suitable for its intended and Township-approved purposes. The Township may require the provision of a trail easement and/or the construction of a recreation trail through Preserved Open Space. If a developer installs a trail, it shall be completed prior to the final sale of any adjacent residential lots.
 - e. Lots and Preserved Open Spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
 - f. Sufficient access points from each preserved open space shall be provided to streets for pedestrian access and maintenance access. The Board of Supervisors may require that maintenance and/or pedestrian access points be paved and be up to 8 feet in width, meeting Township standards for a bike path. Maintenance access points shall be of a slope that is suitable for access by vehicles and equipment.
 3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any Preserved Open Space shall be acceptable to the Township. The Township shall only approve an Open Space development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
 - a. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed open space as public open space. The Township shall only accept ownership of open space if the Board of Supervisors has agreed in writing in advance to accept such ownership. If the preserved open space will not be owned by the Township, then the preserved open space shall be

permanently preserved by one or a combination of the following methods that are found to be acceptable to the Board of Supervisors:

- (1) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (2) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for school recreation, public recreation, environmental education and/or related open space.
 - (3) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (a) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - (4) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors for maintenance as a nature preserve or passive recreation area.
 - (5) Dedication of a permanent conservation easement that results in the land being used for a Township-approved agricultural use, such as crop farming, a tree farm, or a horse farm, and which may include one of the allowed dwelling units on the lot.
 - (6) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (7) Preservation of the Preserved Open Space as part of one privately-owned lot that is restricted against subdivision by a conservation easement, if the applicant proves that none of the other alternatives are feasible. In such case, the Preserved Open Space shall be in addition to the land area that would be needed to meet the requirements for any dwelling on the lot. The conservation easement shall control alteration of natural features on the lot and shall limit non-residential use/ non-agricultural use of the lot.
 - b. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.
 - c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. The applicant shall prove compliance with State law governing homeowner associations. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings.
4. Changes in Open Space Uses. If the required Preserved Open Space is proposed to be used for purposes that were not authorized in the Township approval, then a revised approval shall be required for the changed use.
- F. Steep Slopes. Within an Open Space Development, the steep slope provisions of Section 503 shall still apply.
- G. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article will be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

- H. Landscaping Plan. An application for an Open Space Development involving over 10 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

308. **AGE RESTRICTED RESIDENTIAL DEVELOPMENT.**

- A. This Section 308 provides a density bonus, where allowed by Section 304.B., for a residential development that is age restricted in compliance with the Federal requirements for "Housing for Older Persons" as specified in the United States Code. (Note: As of 2008, such provisions were in 42 U.S.C. 3607.) This provision shall not change the allowed dwelling types in the district. This option is available as a by right bonus in any zoning district where dwellings are allowed.
- B. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except one dwelling unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one head of household of each dwelling unit shall be age 55 years or older or who is physically disabled as defined by Social Security disability regulations, and 2) no person under age 18 shall live in the dwelling unit for more than 60 days in any calendar year, unless such person has a disability as defined under Federal fair housing regulations. Any violation of such age restrictions shall be a violation of this Zoning Ordinance. In addition, in order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association that has the duty, authority and responsibility to enforce such age restrictions over time. If a household met this requirement at the time of initial occupancy, it shall not be required to move in case of death, divorce or separation of a resident of that same household.
- C. If an entire residential development is approved under this Section 308, then the minimum lot area or the minimum average lot area per dwelling unit, as applicable, shall be reduced by 15 percent. Alternatively, where density is stated in terms of a maximum number of dwelling units per acre, the maximum density may be increased by 15 percent under this Section 308. The minimum side yards may also be reduced by 15 percent. An Age Restricted Residential Development shall meet all other requirements of Township ordinances, including limitations on the housing types allowed in that zoning district.
- D. This density bonus shall only be approved if the development includes an appropriate system of sidewalks or pathways that is accessible under the Americans With Disabilities Act.

309. **HISTORIC BUILDINGS.**

- A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:
1. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources.
 2. Establish a clear process to review and approve demolition of designated historic buildings.
 3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings.

4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value.
5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings.
6. Carry out recommendations of the Regional Comprehensive Plan.

B. Applicability.

1. This Section 309 shall apply to any principal building designed on *any adopted* Historic Buildings Map. Such Historic Buildings Map shall serve as a Historic Overlay District. Such Map is intended to be adopted as a future amendment to this Ordinance.
2. Any partial or complete demolition of a principal building regulated by this Section 309 shall only occur in compliance with this Section.
3. Demolition shall be defined as "The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building." A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of exterior architectural features.

C. Historic Buildings Map. An Historic Buildings Map may be adopted as part of a later amendment of this Zoning Ordinance.

D. Approval of Demolition.

1. A building regulated by this Section 309 shall not be demolished, in whole or in part, unless the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception use that one or more of the following conditions exists:
 - a. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner; or
 - b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; or
 - c. The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the building regulated by Section 309. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard; or
 - d. The existing building has no historical or architectural significance and the demolition will not adversely impact upon the streetscape. To meet this condition, the applicant may present information concerning the proposed design of any replacement building or use to show that the proposed building or use will result in a net improvement to the streetscape.
2. For approval of a demolition, the standards of this Section 309 shall apply in place of the general conditional use standards. In reviewing the application, the Zoning Hearing Board shall consider the following:

- a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring Historic Buildings and on the historic character of the surrounding neighborhood.
 - b. The feasibility of other alternatives to demolition.
3. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
- a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
4. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused.
5. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with this Section if the Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
6. Where new construction or vehicle parking is proposed in place of the demolished building, information about the proposed use shall be provided prior to approval of the demolition.
7. A separate demolition permit shall also be required under the Township Construction Codes, and the applicant shall prove compliance with State Department of Environmental Protection requirements for disposal of the debris.
- E. Exceptions. Special exception use approval shall not be needed for the following:
1. Demolition of accessory buildings or structures.
 2. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
 3. Removal of features that were added after 1945, such as a modern porch or aluminum siding or carport.
 4. Relocation of a building within the Township, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

310. **RESERVED.**

311. **ADDITIONAL REQUIREMENTS FOR CERTAIN PERMITTED BY RIGHT USES.**

- A. Compliance Required. Each of the following uses should also comply with the additional requirements for that use listed in this Section.
- B. Additional Requirements.
 1. Animal Hospital

- a. A minimum lot size of at least 2 acres shall be required for those animal hospitals treating small animals (e.g., cats, birds, and exotic animals). A minimum lot size of at least 3 acres shall be required for those animal hospitals treating large animals (e.g., cattle, horses, etc.).
 - b. All buildings in which animals are housed or provided care shall be located at least 100 feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
 - c. Outdoor animal runs may be provided for small animals so long as a double evergreen screen at least 6 feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.
2. Animal Husbandry
- a. The use shall be conducted on a lot at least 10 acres in size.
 - b. Any new building used for the overnight confinement of animals shall be setback a minimum of 200 feet from any lot line of a lot occupied by a dwelling, unless the owner of record of that other lot provides a written waiver allowing a smaller setback. Such setback shall only apply for dwellings that existed at the time of the zoning application. A larger setback is required in subsection d. for certain uses.
 - (1) Manure storage facilities shall meet setbacks required by the State Nutrient Management Act regulations. Where such Act does not require a minimum setback from a lot line, then the minimum setback shall be 100 feet from all lot lines for a manure storage facility.
 - c. Any addition to an existing building used for the overnight confinement of animals shall be setback a minimum of 150 feet from any lot line of a lot occupied by a dwelling, unless the owner of record of that other lot provides a written waiver allowing a smaller setback. Such setback shall only apply for dwellings that existed at the time of the zoning application. A larger setback is required in subsection d. for certain uses.
 - d. Section 312.E. shall apply for Intensive Animal Husbandry uses.
3. Auditorium
- a. A 20 foot buffer yard shall separate an off-street parking area from an adjoining lot line.
 - b. No lighting shall be permitted which will shine on adjacent property.
4. Auto, Motorcycle, Boat or Recreational Vehicle Sales – No vehicle on display shall occupy any part of the street right-of-way, required yard areas, or required parking area.
5. Auto Repair Garage or Auto Body Shop
- a. All repair and paintwork shall be performed within an enclosed building.
 - b. All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
 - c. Outdoor storage of autos and other vehicles shall not exceed 3 times the indoor repair area, shall only be back off the front yard line, and shall be no closer than 20 feet from side and rear lot lines.
 - d. Any vehicle on the premises longer than 48 hours shall be deemed a stored vehicle. No vehicle shall be stored in excess of 45 days.
6. Auto Service Station
- a. All activities except those performed at the fuel pumps shall be performed within a completely enclosed building.
 - b. Fuel pumps shall be at least 25 feet from any future street right-of-way or 50 feet from the street centerline, whichever is greater.

- c. All automobile parts and dismantled vehicles are to be located within a building.
 - d. Full body paint spraying or body and fender work shall not be permitted.
 - e. Automobiles that are taken to a service station for outside storage because of an accident may remain no longer than 60 days from the day the car arrives at the station.
7. Bus Station
- a. Shall be on a lot abutting an arterial or collector street (as defined on the Official Street Classification Map).
 - b. Shall provide an area for the loading and unloading of buses separate from required off-street parking areas.
8. Car Wash
- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. Access points shall be limited to 2 on each street abutting the lot.
 - c. On-lot traffic circulation channels and parking areas shall be clearly marked.
 - d. Signs and outdoor lighting shall be in accordance with this Ordinance.
 - e. Adequate provisions shall be made for the proper and convenient disposal of refuse.
 - f. Centralized sewage disposal facilities and centralized water supply facilities shall be provided.
9. Cemetery – Shall be on a lot at least 2 acres in area.
10. Commercial Indoor Recreation
- a. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
 - b. No lighting shall be permitted which will shine on adjacent properties.
 - c. The Pennsylvania Department of Labor and Industry shall approve the design of the building.
11. Commercial Outdoor Recreation
- a. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
 - b. No lighting shall be permitted which will shine on adjacent property.
12. Commercial Stable or Riding Academy
- a. The use shall be conducted on a lot no smaller than 10 acres in size.
 - b. No new barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 500 feet from all dwellings except the dwelling of the owner or lessee, or from all Residential District boundaries.
 - c. No additions to existing barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 150 feet from all property lines, Residential District boundaries, and dwellings except the dwelling of the owner or lessee.
13. Community / Cultural Center. No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.
14. Emergency Services Station. Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.

15. Financial Establishment. Any drive-in window(s) shall be located, along with attendant lane(s) for vehicles, to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the financial establishment.
16. Forestry. It is the intent of this Section to reasonably regulate Forestry, and to allow for and encourage proper forest management. It is furthermore not the intent of this section to regulate or prohibit the routine clearing of “fence line rows” as they relate to normal agricultural practice.
 - a. The provisions of this section shall not apply to:
 - (i) The cutting of any trees which are diseased, infected, damaged or dead;
 - (ii) The cutting of up to 10 trees per lot in any calendar year, but not exceeding 30 percent of the total basal area.
 - b. Forestry shall be permitted subject to the following requirements:
 - (i) The owner(s) of the property, or agent thereof, shall submit to the Zoning Officer, at the time of application, a Pennsylvania Bureau of Forestry Approved Forestry Plan prepared or reviewed by a Pennsylvania Bureau of Forestry approved professional forester or forest technician. The plan shall conform to industry standards with proposed stand prescription, property lines in the area to be cut, sediment and erosion control plans, and a letter of adequacy from the Lehigh County Conservation District.
 - c. It shall be the joint responsibility of the owner(s) of the property and the entity conducting the Forestry operation to comply with the following additional requirements:
 - (i) All cutting, removing, skidding and transportation of trees shall be planned and performed in such manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.
 - (ii) Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
 - (iii) All proposed crossings of streams and wetlands shall have the necessary state and/or federal permits.
 - (iv) Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across a public street is prohibited without the express written consent of the Township in the case of Township streets or the Pennsylvania Department of Transportation in the case of State highways.
 - (v) Before the Forestry operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may easily be identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the forest management plan.
 - (vi) The holder of a permit to conduct a Forestry operation shall notify, in writing, the Township at least 48 hours before the operation is to begin, and shall notify the Township, in writing, at least 48 hours in advance of the expected completion date of the Forestry operation, and shall notify the Township immediately upon completion.
 - (vii) No permit shall be issued by the Zoning Officer unless and until security has been posted with the Township, in its favor, in the amount of \$2,000.00 guaranteeing compliance with the terms of these provisions.
 - (viii) The Township shall have the right, by its own personnel or outside consultants to inspect the site of the Forestry operation both before, during, and after the Forestry operation to review the plan and to insure compliance with the plan as approved and the other terms of these provisions.

- (ix) A copy of the permit, the sediment and erosion control plan and/or letter of adequacy where applicable, and the Forestry plan shall be maintained on-site during the Forestry operation.
- (x) *No tree cutting shall be allowed within 50 feet from the edge of the average water level of a perennial stream or waterway and around any springs, except for necessary approximately perpendicular crossings.*
- (xi) Upon completion of the Forestry operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked. In addition, all litter shall be removed from the property. The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes. No tops or slash shall be left within 25 feet of any public street or private roadway providing access to adjoining property. All tops and slash between 25 feet and 50 feet from a public roadway or private roadway providing access to adjoining property or within 50 feet of adjoining property shall be lopped to a maximum height of 4 feet above the surface of the ground. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the written consent of the owner thereof.
- (xii) During periods of abnormal forest fire danger, as determined by the Fire Chief, the Zoning Officer shall have the right to order a suspension of the Forestry operation until the danger subsides.
- (xiii) Upon completion of the Forestry operation, and final inspection by the Township or its representative, the security, less any monies retained by the Township to guarantee compliance with these provisions, shall be returned to the permit holder.
- (xiv) *A minimum of 30 percent of the natural forest canopy cover shall be maintained.*
- (xv) *No clearcutting shall be allowed on areas with a slope of 25 percent or greater. Clearcutting shall not exceed 2 acres on areas with a slope of 15 to 25 percent. In all other cases, clearcutting of contiguous areas of more than 2 acres shall only be allowed where justified as part of the Forestry Plan submitted to the Township.*

17. Golf Course

- a. No fairways, green or other use area shall be located closer than 50 feet to a rear or side property line.
- b. No building shall be less than 100 feet from any lot line.
- c. Landscaping shall be used to distinguish golf course areas from adjacent private residential properties.

18. Group Home

- a. There shall be no more than 6 residents, unless specifically approved otherwise under Section 111.
- b. There shall be 24-hour supervision by people qualified by training and experience in the field for which the group home is intended.
- c. The use shall be licensed under the applicable State program, as applicable.
- d. Any medical or counseling services provided shall be done so only for residents.
- e. One off-street parking space shall be provided for a) the supervisor, b) each additional employee per shift, c) every 2 residents.
- f. The Group Home activity shall not be related to criminal rehabilitation of either juveniles or adults.
- g. If the Group Home is an existing or new structure, located in a residential district or subdivision, it shall be maintained and/or constructed to ensure that it is similar in appearance, condition and character to the other residential structures in the area.

- h. The Group Home shall register its location, number of residents and sponsoring agency with the Township and such information shall be available to the public.
 - i. If there is a change of sponsor, management, or type of client in the Group Home, the use shall be reconsidered by the Township.
 - j. A statement setting forth full particulars on the operation to be conducted and to include the approvals of the Pennsylvania Department of Health, Labor and Industry, State and Public Welfare, Human Relations Commission as well as to Title VI of the Civil Rights Act of 1964 shall be filed with the Township where applicable; and
 - k. The Group Home shall provide the Township with a certificate of certification on an annual basis.
 - l. This use shall not include a treatment center.
19. Greenhouse / Nursery. Off-Street parking shall be provided and designed to prohibit vehicles from backing out onto a street or highway.
20. Hotel / Motel. A restaurant may be permitted as an accessory use to a hotel or a motel.
21. Laundry / Laundromat. Centralized sewage disposal facilities and Centralized water supply facilities shall be provided.
22. Manufactured (Mobile) Home
- a. Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development.
 - b. Shall have a site graded to provide a level, stable and well-drained area.
 - c. Shall have wheels, axles and hitch mechanisms removed.
 - d. Shall be securely attached to the ground and installed in accordance with the Construction Code for One- and Two-Family Dwellings and the manufacturer's instructions.
 - (i) The foundation system shall consist of 10 inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on 8 feet centers along each of the two main longitudinal frames for each section of the home with no more than 3 feet overhang at each end of the section.
 - (ii) One half inch diameter by 12 inch long eyebolts shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
 - (iii) The manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least 4 corners and 2 midpoints. The tie down shall also be in accordance with the manufacturers recommendations furnished with each home.
 - (iv) Homes shall not be placed more than 4 feet above the supporting ground area.
 - e. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or a material that has the appearance of a perimeter foundation.
23. Nursery School / Day Care Center
- a. No outdoor play area shall be closer than 40 feet to any lot line.
 - b. The use shall comply with any applicable County, State and Federal Regulations.

24. Picnic Grove
 - a. No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
 - b. No lighting shall be permitted which will shine on adjacent properties.
25. Place of Worship. Shall be on a lot at least 2 acres in area.
26. Restaurant
 - a. Shall screen all trash containers.
 - b. Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives.
 - c. May provide an outdoor menu board (which shall not be considered a sign) if drive-up service is provided from within the building to customers in their vehicles.
 - d. Shall provide a visual planting screen, in accordance with Section 403.D, when adjacent to residential properties.
27. Self – Storage Development
 - a. All storage units shall be fireproof and waterproof. Each shall have separate ingress and egress secured by a locking device.
 - b. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. ALL such items must be licensed and inspected (if applicable), and in operable condition.
 - c. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal, animal carcasses or skins, or similar items shall not be stored.
 - d. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas, or driveway areas.
 - e. Servicing or repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
 - f. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.
28. Swimming Club or Swimming Pool, Non-Household
 - a. All pools shall be entirely enclosed with a good quality chain-link or preferably a wooden or other equivalent fence of not less than 6 feet in height.
 - b. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
 - c. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
29. Truck Terminal
 - a. There shall be a one acre minimum lot size.
 - b. A 20 foot buffer yard in accordance with the provisions of Section 403 D. shall be provided along the side, rear and front lot lines, except for vehicular and pedestrian access areas traversing the yard areas.
30. Warehouse or Wholesale
 - a. Truck parking and loading shall meet the minimum standards of this Ordinance and in unique situations shall be provided according to maximum standards of the industry for the specific type of warehouse, whole or distribution activity to be conducted.

- b. Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.
- c. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or similar items shall be permitted.

312. **SPECIAL EXCEPTION USES.**

A. Purpose. Before a zoning permit is granted for any use listed as a special exception use in this Ordinance, a Site Plan shall be reviewed by the Planning Commission and approved by the Zoning Hearing Board. This procedure is provided because of the considerable impact that these uses tend to have on a community.

B. Procedure.

1. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Zoning Hearing Board is obtained.
2. All applicants for a special exception use shall submit 3 sets of Site Plans for the proposed use to the Zoning Hearing Board as part of the application for a zoning permit.
3. All Site Plans shall contain the information required in Section 103.D.
4. The Zoning Hearing Board shall forward one copy of the Site Plan to the Zoning Officer and one copy to the Planning Commission within 5 days of receiving the submission.
5. The Zoning Officer shall, prior to the next regularly scheduled Zoning Hearing Board meeting, review the Plan to determine compliance with this Ordinance and submit a written report to the Zoning Hearing Board.
6. The Planning Commission shall, prior to the next regularly scheduled Zoning Hearing Board meeting, review the Plan to determine compliance with this Ordinance and submit a written recommendation to the Zoning Hearing Board.
7. The Board shall not decide the case without reviewing the reports received from the Zoning Officer and Planning Commission. Failure of either the Zoning Officer or the Planning Commission to submit a written report prior to the next regularly scheduled meeting shall not prevent the Board from hearing and deciding the request.
8. The Board shall hear and decide such request for a special exception use under the procedures of Section 116.
9. The decision of the Board shall be in writing and shall be communicated to the applicant in accordance with Section 116.

C. Approval of Special Exception Uses.

1. The Zoning Hearing Board shall approve any proposed special exception use if they find evidence that any proposed use will meet:
 - a. All of the general standards listed in Section 312 D., and

- b. All of the specific standards for the proposed use listed in Section 312 E.
 2. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it may deem necessary to implement the purposes of this Ordinance.
- D. General Standards. Each special use shall comply with all of the following general standards:
1. In conformance with the spirit, purposes, intent, and all applicable requirements of this Ordinance.
 2. In conformance with all applicable provisions of all other Township Ordinances.
 3. In accordance with the Comprehensive Plan.
 4. In conformance with all applicable State and Federal Laws, regulations, and requirements.
 5. Suitable for the particular location in question.
 6. Not detrimental to the public health, safety or welfare.
- E. Additional Standards. Each of the following special exception uses shall also comply with the additional standards for that use listed in this section.
1. Adult Use, Adult Bookstore, Adult Movie Theater, Massage Parlor or Cabaret (which shall mean any of the following uses):
 - a. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - (i) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - (ii) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - (iii) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
 - b. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."
 - c. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - d. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
 - e. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 - f. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 304. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
 - g. A minimum lot area of 1 acre is required.

- h. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - i. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition of "lap dancing."
 - j. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
 - k. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
 - l. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Township business hours. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
 - m. The use shall not operate between the hours of 12 midnight and 7 a.m.
 - n. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
 - o. An adult use shall not be on the same lot as a use that sells alcoholic beverages.
 - p. No such use shall be located within 500 lineal feet of any school, place of worship, day care center, Residential District.
 - q. No such use shall be located within 1,000 lineal feet of any existing adult bookstore, adult movie theater, massage parlor or cabaret.
 - r. A 20 feet wide buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 403 D.
 - s. No obscene material shall be placed in view of the general public. Precautions shall be made to prohibit minors from entering the premises.
2. Airport, Public or Private and Private Heliport
- a. The Pennsylvania Bureau of Aviation with the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing for a private airstrip, private airport or heliport.
 - b. The Federal Aviation Administration shall have granted approval for the use of the air space.
 - c. The use shall comply with any other applicable Federal and State regulations and requirements.
 - d. Areas used for landings, take-offs and ground circulation shall be located at least 300 feet away from adjacent property lines.
3. Animal Cemetery
- a. All the regulations for a "cemetery" in this Section shall apply.
 - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

4. Animal Hospital - If the use involves a kennel, other than routine keeping of sick animals, the requirements of a kennel shall also be met.
5. Animal Husbandry, Intensive
 - a. The use shall be conducted on a lot at least 10 acres in size.
 - b. The provisions of Section 311.B.2.b. shall apply.
 - c. The provisions of Section 311.B.2.c. shall apply.
 - d. Intensive Animal Husbandry shall only be allowed if special exception approval is granted and the use is in the R-A or AC District. Such use shall be defined as raising of livestock or poultry that involves more than 5 animal equivalent units of live weight of animals on the average per acre. Such average shall be calculated based upon contiguous acreage that is owned or leased by the operator of the animal husbandry use. Animal weights shall be calculated as provided in State Nutrient Management regulations.
 - (i) An Intensive Animal Husbandry use shall only be allowed if new buildings used for the overnight confinement of animals are setback a minimum of 500 feet from the boundary of a residential district or the walls of a dwelling that existed prior to the enactment of this Section, unless the owner of record of that other lot provides a written waiver allowing a smaller setback.
 - (a) The Zoning Hearing Board may modify such setbacks as part of a special exception approval if necessary to allow reasonable expansion of a pre-existing animal husbandry use or if such setback is shown to be pre-exempted by State law.
6. Auditorium
 - a. A 20 foot buffer yard shall separate an off-street parking area from an adjoining lot line.
 - b. Lighting which is perceptible beyond the property line shall be minimized in accordance with Section 514 if this Ordinance.
7. Bed and Breakfast Use
 - a. In a residential district, no more than 3 guest rooms shall be provided and no more than 2 adults and 2 children may occupy one guest room.
 - b. One off-street parking space shall be provided for each guest room. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway and adjoining properties by fencing or natural vegetation.
 - c. At least one bathroom shall be provided for use by guests.
 - d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than 2 square feet in size constructed and placed in accordance with Article 6.
 - e. No external alterations or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.
 - f. Members of the immediate family, who must reside on the premises, shall carry on the use.
 - g. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast only.
 - h. The maximum, uninterrupted length of stay at a bed and breakfast shall be 14 days.
 - i. The use of any amenities provided by the Bed and Breakfast, such as swimming pool or tennis court, shall be restricted in use to the guests of the establishment.
 - j. The use may not be established until there is compliance with all Township rules and regulations.
 - k. The existing sewage disposal system shall be recertified as being adequate, in accordance with the State regulations.

8. Boarding House. No additional standards.
10. Bottling Industry. Centralized Sewage disposal facilities and centralized water supply facilities shall be provided.
11. Bus Station
 - a. Shall be on a lot abutting an arterial or collector street (as defined on the Official Street Classification Map).
 - b. Shall provide an area for the loading and unloading of buses separate from required off-street parking areas.
12. Campground
 - a. Shall meet all applicable State regulations.
 - b. No loudspeaker or amplifying device shall be permitted which will project sound that can be heard within a dwelling on another lot.
 - c. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
13. Reserved
14. Cemetery. Shall be on a lot at least 2 acres in area.
15. Commercial Outdoor Recreation
 - a. No loudspeaker or amplifying device shall be permitted which will project sound that can be heard inside a dwelling on another lot.
 - b. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
16. Community Center / Cultural Center. No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.
17. Conversions of an Existing Building to Result in an Increased Number of Dwelling Unites
 - a. The lot area shall not be reduced to less than the amount stated for the District in which the structure is located.
 - b. The yard, building area, off-street parking and other applicable requirements for the District shall not be reduced.
 - c. Adequate capacity of sewer, water and other utilities shall be available and shall be certified.
 - d. The resulting residential use shall be a permitted use in the District.
18. Reserved
19. Day Care Center, Child, as a Principal Use
 - a. No outdoor play area shall be closer than 40 feet to any lot line.
 - b. The use shall comply with any applicable County, State and Federal Regulations.
20. Drive-In (Outdoor) Theater
 - a. Shall be on a lot abutting an arterial or collector street (as defined on the Official Street Classification Map).
 - b. Shall have a lot area of at least 10 acres.

- c. A buffer yard, which complies with the standards of Section 403 D., shall be provided around the entire lot.
 - d. Shall provide a driveway at least 300 feet in length between the point where admission tickets are sold and the street right-of-way lines.
 - e. Shall comply with the provisions of Section 514.
21. Emergency Services Station. Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.
22. Fuel Oil Company. Shall be in accordance with applicable Federal, State and local fire protection standards.
23. Golf Course
- a. No fairways, green or other use area shall be located closer than 50 feet to a rear or side property line.
 - b. No building shall be less than 100 feet from any lot line.
 - c. Landscaping shall be used to distinguish golf course areas from adjacent private residential properties.
24. Groundwater or Spring Water Withdrawal, as regulated under Section 304.
- a. A study by a qualified professional shall be submitted to the Township to estimate the expected impacts upon neighboring wells, particularly taking into account drought conditions.
 - b. Minimum lot area - 10 acres, plus 5 acres for each 50,000 gallons per day of permitted water removal.
 - c. Special exception approval shall not be required for agricultural uses.
 - d. Bottling operations shall only be allowed in the I district.
 - e. The applicant shall estimate the amount of truck traffic that will serve the site, and provide a traffic impact study by a qualified professional to assess the impacts.
25. Group Home
- a. There shall be no more than 6 residents, unless specifically approved otherwise under Section 111.
 - b. There shall be 24-hour supervision by people qualified by training and experience in the field for which the group home is intended.
 - c. The use shall be licensed under the applicable State program, as applicable.
 - d. Any medical or counseling services provided shall be done so only for residents.
 - e. One off-street parking space shall be provided for a) the supervisor, b) each additional employee per shift, c) every 2 residents.
 - f. The Group Home activity shall not be related to criminal rehabilitation of either juveniles or adults.
 - g. If the Group Home is an existing or new structure, located in a residential district or subdivision, it shall be maintained and/or constructed to ensure that it is similar in appearance, condition and character to the other residential structures in the area.
 - h. The Group Home shall register its location, number of residents and sponsoring agency with the Township and such information shall be available to the public.
 - i. If there is a change of sponsor, management, or type of client in the Group Home, the use shall be reconsidered by the Township.
 - j. A statement setting forth full particulars on the operation to be conducted and to include the approvals of the Pennsylvania Department of Health, Labor and Industry, State and Public

Welfare, Human Relations Commission as well as to Title VI of the Civil Rights Act of 1964 shall be filed with the Township where applicable; and

- k. The Group Home shall provide the Township with a certificate of certification on an annual basis.
 - l. This use shall not include a treatment center.
26. Gun Club / Outdoor Target Range
- a. All outdoor target ranges shall have a barrier behind the target area, which is of sufficient height and thickness to adequately provide for the public safety.
 - b. The use shall comply with National Rifle Association standards for the type of weapons that will be used.
 - c. The area used for shooting and for any target area shall be setback a minimum of 450 feet from any occupied building on another lot.
27. Home Occupation, General. The provisions under "Home Occupation" in Section 313 shall apply.
28. Hospital
- a. Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.
 - b. More than one access road of at least 20 feet in width shall be provided from such arterial or collector street.
 - c. More than one fire exit shall be provided.
 - d. All facilities shall be located on the ground floor, unless an elevator sufficient to accommodate rolling beds or litters provides access to other than ground floor levels.
29. Junk Yard (Includes Auto Salvage Yard)
- a. Storage of putrescent garbage that was not generated on-site shall be prohibited.
 - b. All junk should be at least 200 feet from any adjoining lot.
 - c. All junk should be at least 200 feet from any public highway, road, or street.
 - d. The site shall contain at least 2 points of vehicle access, each of which is not less than 30 feet in width.
 - e. The site shall be completely enclosed by a buffer yard, regardless of zoning district, which complies with the standards of Section 403.D.
 - f. The burning or incineration of vehicles or junk shall be prohibited unless said burning is carried out in a completely enclosed incinerator approved by the D.E.P.
 - g. All junkyards shall also comply with the provisions of Township Ordinance No. 15.
30. Kennel
- a. All buildings in which animals are housed and all runs shall be located at least 100 feet from all lot lines.
 - b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
 - c. Outdoor runs may be provided so long as a double evergreen screen at least 6 feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.
 - d. A buffer yard meeting Section 403.D. shall be required between any kennel and any lot occupied by a dwelling unless existing mature trees covering land with a minimum width of 20 feet will be preserved between the kennel and the adjacent dwelling.

- e. If more than 50 dogs are kept on the lot at any one time, then a minimum setback of 200 feet shall apply for any building or outdoor area used for the keeping of dogs or outdoor pens or runs from any lot line of a lot occupied by a dwelling that is not in common ownership with the kennel.
 - f. *If a kennel is required to obtain a State license as a kennel, and such State license expires, is suspended or revoked, then the Township zoning permit for the kennel shall also automatically be invalid during such period of time.*
31. Laundry / Laundromat. Centralized sewage disposal facilities and centralized water supply facilities shall be provided.
32. Lumber Yard. Shall be on a lot abutting an arterial or collector street (as defined by the Official Street Classification Map).
33. Manufactured (Mobile) Home Park
- a. Shall have a minimum tract size of 5 acres and a maximum overall density of no more than 5 manufactured homes per acres.
 - b. Shall have centralized sewer and water.
 - c. Shall have a 20 foot buffer yard around the perimeter of the site.
 - d. All applicable provisions of the Township Subdivision and Land Development Ordinance shall be complied with.
34. Mineral Extraction
- a. The activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and use of adjacent properties or the well being of the surrounding area and its residents.
 - b. The site shall be reclaimed to a non-hazardous state permitting activities and resulting condition of the site will not result in environmental degradation of the surrounding area.
 - c. A buffer yard shall completely enclose the site, regardless of zoning district, which complies with all of the standards of Section 403.D. (except such buffer yard shall be at least 50 feet in width) and shall be set back from adjacent properties by at least 100 feet and from residential structures by at least 200 feet (or such greater distance as may be required by site conditions to protect adjacent properties as determined necessary by the Zoning Hearing Board).
 - d. Unique or environmentally significant natural features and significant historic or architectural structures and sites shall be protected from disruption or adverse effects from quarrying and /or mining activities.
35. Motor Vehicle Race Track
- a. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible from within a dwelling on another lot.
 - b. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
 - c. The use shall also meet the other performance standards of Sections 512, 513 and 514 of this Ordinance.
 - d. The area used for racing of vehicles shall be setback a minimum of 250 feet from any residential lot.
36. Paper / Pulp Mill – Minimum lot area – 10 acres.

37. Place of Worship – Shall be on a lot at least 2 acres in area, unless it is within the C Commercial District.
38. Reserved.
39. Public or Private Primary or Secondary School – Two acre minimum lot size, plus one acre for each 100 students.
40. Restaurant
 - a. Shall screen all trash containers.
 - b. Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives.
 - c. May provide an outdoor menu board (which shall not be considered a sign) if drive-up service is provided from within the building to customers in their vehicles.
41. Self-Storage Development
 - a. All storage units shall be fireproof and waterproof. Each shall have separate ingress and egress secured by a locking device.
 - b. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. ALL such items must be licensed and inspected (if applicable), and in operable condition.
 - c. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal, animal carcasses or skins, or similar items shall not be stored.
 - d. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas, or driveway areas.
 - e. Servicing or repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
 - f. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.
42. Slaughter House
 - a. There shall be a minimum of a 10 acre lot size.
 - b. The buildings where slaughter takes place shall not be located closer than 200 from all property lines except the dwelling of the owner or lessee, and no closer than 500 feet from an existing dwelling or an approved residential subdivision.
 - c. The slaughterhouse shall comply with all applicable State and Federal Regulations.
43. Solid Waste Disposal Area/Facility
 - a. This term shall include a Solid Waste Transfer Facility, Solid Waste Landfill, or Solid Waste-to-Energy Facility.
 - b. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry), or wetland of more than 1/2 acre in area.
 - c. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any of the following: a RS-R district, a S-R district, a residential district in another municipality, a perennial creek, a publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
 - d. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
 - e. No burning or incineration shall occur, except within an approved Waste to Energy Facility.

- f. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
- g. Open dumps and open burning of refuse are prohibited.
- h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.
- i. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
- j. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening, and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- k. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- l. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- m. Attendant. An attendant shall be present during all periods of operation or dumping.
- n. Gates. Secure gates, fences, earth mounds, and/or dense vegetation shall prevent unauthorized access.
- o. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- p. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
- q. Any storage of used tires shall be divided into separate piles so that each pile contains a maximum of 200 tires and that are separated by other tires by a minimum of 50 feet. No tires shall be stored on site for more than 30 days and shall be limited to storage of tires that are awaiting imminent disposal or re-use. Unless the tires are shredded, the tires shall be covered by a material that avoids the presence of standing water inside the tires.
- r. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- s. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- t. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
- u. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written

materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.

- v. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
44. Stable or Riding Academy
- a. The use shall be conducted on a lot at least 10 acres in size.
 - b. No new barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 500 feet from all dwellings except the dwelling of the owner or lessee, or from all Residential District boundaries.
 - c. No additions to existing barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 150 feet from all property lines, Residential District boundaries, and dwellings except the dwelling of the owner or lessee.
45. Swimming Club or Non-Household Swimming Pool.
- a. All pools shall be entirely enclosed with a good quality chain-link or preferably a wooden or other equivalent fence of not less than 6 feet in height.
 - b. No loudspeaker or amplifying device shall be permitted which will project sound that can be heard inside a dwelling on another lot.
 - c. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
46. Treatment Center
- a. See definition in Section 202.
 - b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception approval.
 - c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
 - d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
 - e. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.
47. Trucking Company Terminal
- a. As a condition of special exception approval, the Zoning Hearing Board may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.
48. Warehouse or Wholesale.
- a. Truck parking and loading shall meet the minimum standards of this Ordinance and in unique situations shall be provided according to maximum standards of the industry for the specific type of warehouse, whole or distribution activity to be conducted.
 - b. Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.
 - c. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or similar items shall be permitted.

49. Wind turbine(s). Other than is Allowed as an Accessory Use by Section 313 (including but not limited to 2 or more wind turbines per lot, or a wind turbine as a principal use).
- a. The wind turbine shall be setback from the nearest occupied principal building on another lot a distance not less than 2 times the maximum height to the top of the turbine, unless a written waiver is provided by the owner of such building. The turbine height shall be the distance from the ground level to the highest point of the turbine rotor plane. The setback shall be measured from the base of the turbine to the nearest part of the occupied principal building. This provision shall apply to buildings that existed prior to the application for a zoning permit.
 - b. The audible sound from the wind turbine(s) shall not exceed 50 A weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
 - c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
 - d. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
 - e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the wind turbine base.
 - f. All wind turbines shall be set back from the lot line a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such lot.
 - g. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
 - h. The turbine shall include automatic devices to address high speed winds.
 - i. Accessory electrical facilities are allowed, such as a transformer.
 - j. The site plan shall shows the proposed facilities with the proposed total heights, existing buildings, lot lines, driveways, minimum setbacks, areas of woods proposed to be cleared and existing and proposed underground lines in the area of proposed activity.
50. Wireless Communications Facilities. It is the intent of this section to strike a balance between the needs of wireless providers but maintain local authority over decisions regarding the placement, construction and modification of wireless communications facilities. Towers and antennas shall be regulated or permitted pursuant to this Section, and shall not be regulated or permitted as essential services, public utilities, or private utilities. Upon the effective date of this Section, all new towers, antennas added to existing towers and new wireless communications facilities shall be subject to the provisions of this Section except for any tower, or antenna added to an existing tower which: (a) is less than 70 feet in height and is owned and operated by a federally licensed amateur radio station operator; or (b) is used exclusively as a “receive only” antenna.
- a. Each application shall contain the following information:
 - (i) A copy of the FCC license of all proposed users of the facility.
 - (ii) A legal description of the subject tract or parcel.
 - (iii) A description of the tower including its design characteristics, the numbers and types of antennas which are proposed to be located on the tower, the color of the tower, whether the tower will be illuminated and whether the tower, if constructed, will accommodate co-location of additional antennas for future users and the number of such potential future users.
 - (iv) Documentation from the FCC, FAA and Pennsylvania Aeronautics Division, and any other federal or state entity which regulates the wireless communication facility, that if constructed, it would be in compliance with current regulations, including but not

- limited to the mandate of the Hearing Aid Compatibility Act and the Americans with Disabilities Act, or that the facility is exempt from those regulations.
- (v) A statement identifying the entities providing the backhaul network for the tower and any other cellular sites owned or operated by the applicant in the Township.
 - (vi) Certification from a registered professional engineer that the tower, if constructed, has structural capability and would meet current standards for steel antenna towers and antenna supporting structures established by the Electrical Industrial Association / Telecommunications Industrial Association and any other regulatory body.
 - (vii) An inventory of the applicant's existing towers, antennas or sites approved for towers or antennas within the Township, including specific information about the location, height and design of each tower, antenna or site.
 - (viii) A site plan meeting the requirements of Section 103.D. of this Ordinance, and also showing the setback distance of the antenna or tower from all property lines, street right-of-way lines, its distance from the nearest residential unit and other existing wireless communication facilities located within the Township using exact global positioning satellites.
 - (ix) A landscaping plan meeting the requirements of subsection g(vi) below and all other requirements of the Township.
 - (x) Documentation from the Lehigh-Northampton Airport Authority that they are aware of the intent to locate a wireless communication facility.
 - (xi) Certification with appropriate documentation from an engineer that an intermodulation analysis has been performed demonstrating that the proposed wireless communication facility will not cause undue interference to existing facilities or undue hardship to the health, safety and welfare of the community.
- b. Each application shall be accompanied by a deposit of \$5,000.00 which shall be used by the Township to contract with an independent consultant(s) to evaluate the application to determine whether the proposal meets all state and federal requirements, whether the use of existing towers or other structures would satisfy the functional requirements of the applicant and whether the proposal meets the requirements of this Section.
 - c. For purposes of this Section only, in addition to the other requirements imposed by Section 112.A. of this Ordinance, notice shall be given to the Applicant, the Zoning Officer, the Commission, the Board of Supervisors, the property owners within 500 feet of the proposed lot upon which the wireless communications facility will be sited and any other person or group (including civic or community organizations) who has made a timely request for such notice, by personally delivering or mailing a copy of the published notice.
 - d. The Applicant shall demonstrate, using technological evidence, that the wireless communications facility must be sited where proposed to satisfy its functional requirements.
 - e. To encourage the co-location of wireless communications facilities, the applicant shall demonstrate that no existing tower or structure will accommodate the functional requirements because of the following:
 - (i) No existing towers or structures are located within the geographic area;
 - (ii) Existing towers or structures are of an insufficient height;
 - (iii) Existing towers or structures have insufficient structural strength to support the proposed facilities;
 - (iv) The proposed facilities would cause unacceptable electromagnetic interference because of other existing facilities; and
 - (v) The fees, costs or contractual provisions required of the applicant by the owner of an existing tower or structure to share or adopt an existing tower or structure are unreasonable.

- f. The tower or antenna should be set back a distance equivalent to two hundred percent (200%) of the height of the tower. The setback lines shall be measured from the nearest property or lease lot lines and existing street right-of-way lines or the distance measured to the nearest property or lease line equal to the fall zone.
- g. The following requirements apply to proposed towers:
 - (i) The applicant shall provide certification from a registered professional engineer that the tower would meet the wind resistance requirements, stated in the applicable version of the International Construction Code. The registered professional engineer shall also certify to the overall structural integrity of the tower.
 - (ii) For all towers exceeding 200 feet in height, the applicant shall provide documentation of FAA approval. For towers of 200 feet or less, the requirements of 14 C.F.R. Part 77.13(a), as amended, must also be met.
 - (iii) No tower shall be artificially lighted except when required and approved by the FAA or other regulatory agency. Where lighting is required by a regulatory agency, the applicant must provide written documentation that the proposed lighting is the minimum mandated by that agency.
 - (iv) A minimum of 2 off-street parking spaces shall be provided for each tower.
 - (v) The base of the tower shall be surrounded by a secure fence, with an anti-climbing device, with a minimum height of 8 feet.
 - (vi) Landscaping shall be required and shown on the site plan to screen the fence surrounding the tower and any other ground level features, including buildings or parking areas. The landscaping shall consist of evergreen plantings with a minimum height of 6 feet at planting, a minimum of 4 foot wide, planted 10 feet on center maximum, and with an expected growth of a minimum of 15 feet at maturity. Existing mature tree growth and natural land forms on the site shall be preserved to the greatest extent possible.
 - (vii) The towers shall have a galvanized steel finish and be painted a neutral color, unless the regulatory authorities have provided documentation mandating to the contrary. All buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and surrounding buildings and structures.
 - (viii) There shall be a separation distance of at least one-half mile between towers measured from the center of the base of the existing tower to the center of the base of the proposed tower.
 - (ix) The fall zone shall be equal to 200 percent of the height of the tower. No structures other than a communications equipment building shall be placed within the fall zone.
- h. The following requirements apply to proposed antennas:
 - (i) The applicant shall provide certification from a registered professional engineer stating that the antenna meets the wind resistance requirements stated in the most current version of the BOCA National Building Code. The registered professional engineer shall also certify to the overall structural integrity of the tower and antenna.
 - (ii) For any antenna resulting in a facility in excess of 200 feet in height, documentation of FAA approval shall be provided. If the facility is less than 200 feet in height, the antenna shall meet the requirements of 14 C.F.R. Part 77.13(a), as amended.
 - (iii) No antenna shall be artificially lighted except when required and approved by the FAA or other regulatory agency. Where lighting is required by a regulatory agency, the applicant must provide written documentation that the proposed lighting is the minimum mandated by that agency.

- (iv) Where an antenna is to be installed on a structure other than a tower, the antenna and any supporting electrical and mechanical equipment must be of a neutral color that is identical to, or compatible with, the color of the supporting structure.
- (v) Where an antenna is to be installed on a tower or mounted on a utility or light pole, any communications equipment building proposed on the lot shall be no greater than 200 square feet of gross floor area and no more than 10 feet in height. A dense planting screen with a planted height of at least 6 feet shall screen the communications equipment building.
- (vi) Where an antenna is to be mounted on a structure or rooftop, any communications equipment building proposed on the lot shall be no greater than 100 square feet of gross floor area and no more than 10 feet in height. If the structure or rooftop is less than 65 feet in height, any proposed communications equipment building must be located on the ground. If the communications equipment building is located on the rooftop, the area of the communications equipment building shall be less than 20 percent of the total rooftop area.
- i. No signs except those mandated by regulatory bodies shall be permitted on the lot where the tower or antenna is to be located.
- j. Within 45 days of the decision of the Zoning Hearing Board, the Township shall provide an itemized statement of expenses incurred by its independent consultant(s). Any used monies shall be returned to the applicant.
- k. As a condition to obtaining a zoning permit, the applicant agrees to the following:
 - (i) To carry with insurance companies with an A.M. Best rating of at least A- or 6, liability insurance for its use and activities on the proposed lot, which coverage shall be a minimum coverage of \$500,000.00/\$1,000,000.00 for personal injury, property damage and/or death, and shall furnish to the Township a Certificate of Insurance evidencing its compliance with this requirement.
 - (ii) If the wireless communications facility is located on property owned or leased by the Township, then in that instance alone, to indemnify and save harmless the Township, its officers, agents and employees, from any and all claims for damages asserted by anyone as a result of injury to person or property, loss or damage resulting from it or in any way related to the approval given or to the activities conducted on the proposed lot.
 - (iii) That if the tower or antenna remains unused for a period of 12 consecutive months, the applicant, owner and/or operator, shall dismantle and remove the tower or antenna within 90 days of notice to do so by the Township. Security shall be posted, in a form acceptable to the Township in its favor in such amount to remove the wireless communications facility and site clean-up, which security may be utilized by the Township in the event the Applicant, owner and/or operator fails to remove it within 90 days of notification from the Township. If there are 2 or more users of a single tower, then this condition shall not become effective until all users have abandoned the tower or antenna. The amount of security shall be determined by the Zoning Officer and shall be payable before the issuance of any permit.
 - (iv) That annually, the Township, through its independent consultant, shall inspect the wireless communications facility to verify that it is constructed, maintained and functioning in accordance with the approval given by the Zoning Hearing Board. The owner and/or operator shall be billed 60 days in advance of the inspection date, and the failure to remit payment to the Township in advance of the inspection date shall be conclusive evidence that the owner and/or operator has abandoned the use permitted by the special exception.

- (v) That within 10 days of completion of the wireless communication facility, a registered professional engineer shall certify, in writing, to the Township that the wireless communications facility has been constructed pursuant to the approval given by the Zoning Hearing Board, and the requirements of this Zoning Ordinance.

313. **ACCESSORY USES.**

- A. In General. An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.
- B. Yard Requirements. Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Ordinance.
- C. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
 - 1. Bus Shelter. Bus shelters may be erected and maintained for the convenience and safety of school children and resident commuters in any zoning district of Upper Milford Township on the following terms and conditions:
 - a. Shelters shall not exceed 7 feet in width, 8 feet in length (depth), and 7 feet in height and shall be set upon and firmly anchored to reinforced concrete pads at least 4 inches thick. A mud-free approach from the side of the street on which the shelter fronts to the shelter itself shall be installed.
 - b. Shelters shall in all cases be located on private property.
 - c. No shelter shall be erected on private property without the owner or owners of such private property having first given written permission or lease authorizing the erection and maintenance of the shelter thereon.
 - d. Shelters erected for the convenience of the school children shall be erected only at locations designated as official school bus stops by the Board of Directors of East Penn School District or the Board of Directors of such other school district of which Upper Milford Township shall be a part. Shelters erected for the convenience of resident commuters shall be erected only at locations approved by the Board of Supervisors, upon Planning Commission recommendation; provided, however; that there shall be a distance of at least 1000 feet between shelters regardless of the purpose for which they are erected.
 - e. Shelters erected between intersections shall be located at least one foot back from the legal right-of-way line (property line) of the street intersection properties where the side of the shelter is less than 50 from the legal right-of-way line (property line) of the street at the side of shelter shall be set back at least 15 feet from the legal right-of-way line (property line) of the street on which the shelter fronts. Shelters shall also be located at least 15 feet away from the side property lines of the property on which the shelter is located unless the owner of the adjoining property gives written permission of consent to have said shelter placed closer than 15 feet from said side property line.
 - f. Shelters may bear advertising displays not exceeding 32 square feet in size on each side of the shelter; provided, however; that advertisement of intoxicating beverages or tobacco products shall not be displayed on any shelter.
 - g. Shelters shall at all time be property maintained and kept in repair by the owner thereof. They shall be kept clean, free of papers and debris, and free of obscene writings and marking on any part thereof.
 - h. The owner of each shelter shall cause the same to be covered by liability insurance issued by a reputable insurance company insuring the owner of the shelter, the owner of the land on

which the shelter is erected, and the Township of Upper Milford against any and all liability for personal injury, death or property damage. The limits for coverage for such insurance policy shall be \$250,000 to \$300,000 for each occurrence. The Township of Upper Milford shall be furnished a certificate by the company issuing such policy certifying that such policy has been purchased, that it is in full force and effect, and that the same will not be cancelled without the Township of Upper Milford first being given ten days' prior written notice of the intention to cancel said policy.

- i. No shelter shall be erected until the Zoning Officer shall have issued a permit authorizing such erection. Application for such permit shall be made to the Zoning Officer on a form prescribed by him, which application for shall be accompanied by: a) a copy of a written lease signed by the owners of the ground on which the shelter is to be erected authorizing such erection; b) a picture or diagram of the proposed shelter indicating the dimensions thereof; c) a plot plan showing the location of the proposed shelter on the private property and indicating the setback of said side street; d) in the case of shelters erected for the convenience of school children, a certification from the proper school district officials certifying that the proposed location is an official school-bus stop; and e) a Permit Fee of \$2.50.
 - j. The Zoning Officer may order the removal of any shelter which a) is not properly maintained and kept in repair; b) is erected or maintained contrary to the terms of this Ordinance; c) is no longer covered by insurance as herein required; d) is located on private property for which a valid lease is no longer in existence; and e) when the location at which the shelter is situated has ceased to be an officially designated bus stop for a period of 3 years. In the event that such removal is ordered, the shelter shall be removed and the premises restored to its original condition within 30 days of said order of removal.
 - k. Upon removal of any shelter, whether such removal is voluntary on the part of the owner thereof; or is ordered by the Zoning Officer as herein provided, the same shall be completely dismantled and removed so that no part of the same remains at its former location and the property on which it was located shall be restored to the original condition in which it was immediately prior to the time said shelter was first erected.
2. Commercial or Industrial Outdoor Storage and Display.
 - a. Location – Shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required parking area, or part of the required front yard.
 - b. Size – Shall occupy an area less than one-half the existing building coverage. A Special Exception may be authorized by the Zoning Hearing Board for no more than 25 percent of the lot area to be used for outdoor storage or display.
 3. Drive-through Facilities.
 - a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
 4. Dwelling Unit as an Accessory Use to a Nonresidential Use.
 - a. No more than one dwelling unit shall be permitted for any nonresidential principal use.
 - b. The floor area of the dwelling unit shall not exceed the floor area of the nonresidential use (if primarily within a building) of 50 percent of the ground area of the nonresidential use (if primarily outdoor).

5. Farm Pond.
 - a. The developer of any farm pond shall obtain all required State and Federal Permits.
 - b. No farm pond shall be of such a size or character as to create any dangerous, noxious or objectionable condition.

6. Farm Based Business. This use may be approved on a lawful existing lot with a minimum lot area of 25 acres that include a principal agricultural use.
 - a. A Farm-Based Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-Based businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
 - b. A Farm-Based Business shall be conducted by a resident or owner of the property, his/her "relatives", and a maximum total of 4 other employees working on-site at one time, in addition to employees of the agricultural use. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.
 - c. To the maximum extent feasible, a Farm-Based Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm-Based Business. Any new building constructed for a Farm-Based Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used for a Farm-Based Business shall not exceed 6,000 square feet. This 6,000 square foot limit shall only apply to buildings constructed after the effective date of this Ordinance. A Farm-Based Business may also use buildings of any size that existed prior to the effective date of this Ordinance. The total area used by the Farm-Based Business, including parking, shall not exceed 3 acres.
 - d. The Farm-Based Business shall not routinely require the overnight parking of more than 2 tractor-trailer trucks, other than trucks serving the agricultural use.
 - e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
 - f. The Business shall not generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.
 - g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week (except customary retail sales as part of a barber/beauty shop). This provision shall not restrict permitted sale of agricultural products.
 - h. Only one sign shall advertise a Farm-Based Business, which shall have a maximum sign area of 10 square feet on each of two sides, and which shall not be internally illuminated, and which shall have a maximum height of 6 feet.
 - i. The following activities, and activities that the applicant proves to the Zoning Hearing Board are closely similar, shall be permitted as Farm-Based Businesses:
 - (i) farm equipment or farm vehicle repair;
 - (ii) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting;
 - (iii) welding and custom machining of parts;
 - (iv) sale, processing, or mixing of seeds, feed, chemical fertilizers, or wood/leaves/bark compost;
 - (v) barber/beauty shops;
 - (vi) construction tradesperson's headquarters;

- (vii) music, hobby, trade or art instruction for up to 10 persons at a time;
- (viii) small engine repair;
- (ix) custom woodworking or wood refinishing;
- (x) custom blacksmithing or sharpening services;
- (xi) rental storage of household items, vehicles, boats and building materials;
- (xii) boarding of animals, not including a kennel or a stable (which are separate uses);
- (xiii) custom butchering, not including a commercial slaughterhouse or stockyard;
- (xiv) processing and storage of agricultural products;
- (xv) sawmill; or
- (xvi) commercial farm tourism and special events, such as farm tours and Halloween activities.

See also Stable, Non-Household and Retail Sales of Agricultural Products, which are treated as separate uses.

- j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
 - k. If an activity would be permitted as either a Farm-Based Business or a Home Occupation, then the applicant may choose which set of provisions shall apply.
 - l. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
 - m. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
 - n. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
 - o. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
 - p. The lot shall have provisions for trucks to turn around on the site without backing onto a public street. When special exception approval is required, the Zoning Hearing Board shall consider the suitability of the adjacent roads for the amount and weights of truck traffic that will be generated.
7. Heliport.
- a. The Pennsylvania Bureau of Aviation within the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing a heliport.
 - b. The Federal Aviation Administration shall have granted approval for the use of the air space.
8. Home Occupation, Major or Minor.
- a. The home occupation shall not be conducted on the premises outside of a building.
 - b. The home occupation shall not exceed 25 percent of the floor area of the principal dwelling unit.
 - c. There shall be no outside storage of materials.
 - d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than 2 square feet in size constructed and placed in accordance with Article 6.
 - e. No more than one employee may work on the premises at the same time who are not residents of the principal dwelling unit.
 - f. No servicing by truck in excess of 3 times per week shall be permitted.

- g. Uses permitted as a home occupation include: art studio, barber shop, beauty shop, professional office, and instruction of not more than 4 pupils simultaneously (or in case of musical instruction, not more than 3 pupils simultaneously).
- h. The following uses shall not be permitted as a home occupation: animal hospital, stable, kennels, funeral parlor, retail store or restaurant.
- i. No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the property.
- j. Parking and Loading – Adequate space for off-street parking and loading shall be provided in accordance with Article 6 of this Ordinance.
- k. Building Appearance – There shall be no reduction in the existing outside residential appearance of the building or premises or other visible evidence of the conduct of a home occupation. Outdoor storage of material and equipment shall be prohibited.
- l. Nuisance – No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the property.
- m. Business Vehicles – A maximum of 2 vehicles, which are used for a home occupation shall be permitted on the lot of the home occupation. No one vehicle shall exceed 10,000 pounds. Nor shall the combined vehicle (motorized or non-motorized such as a trailer or equipment) that is attached together exceed 10,000 pounds.
- n. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Minor Home Occupation:"
 - (i) The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
 - (ii) The use shall only involve the following activities:
 - (a) work routinely conducted within an office,
 - (b) custom sewing and fabric and basket crafts,
 - (c) cooking and baking for off-site sales and use,
 - (d) creation of visual arts (such as painting or wood carving),
 - (e) repairs to and assembly of computers and computer peripherals, and
 - (f) a construction tradesperson, provided that no non-resident employees routinely operate from the lot.

- 9. Keeping Animals or Fowl. (NOTE: This does not pertain to Animal Husbandry as a principal use which is regulated by Section 311.B.2.)
 - a. The maximum number of animals permitted on a lot shall be as follows:

	AC, R-A, CON District	RS-R, C, I, V Districts	S-R Districts
Customary Household Pets and Domestic Animals*	5	5	5
Rabbits / Large Fowl**	25	14	14
Smaller Fowl***	25 Pair	25 Pair	25 Pair
Large Animals****	1 per 3/4 acre of lot with 10 maximum with a minimum lot size of 1-1/2 acres	1 per acre of lot with 5 maximum with a minimum lot size of 2 acres	*****
* Such as dogs, cats, etc.			

	AC, R-A, CON District	RS-R, C, I, V Districts	S-R Districts
**	Such as chickens, turkeys, etc.		
***	Such as pigeons and quail.		
****	Such as cattle, horses, goats, pigs, etc.		
*****	Under special circumstances large animals may be permitted in the S-R District as a special exception, pursuant to the provisions of Section 312.		

- b. 6 or more adult dogs or cats shall constitute a kennel.
 - c. Commercial Use. Commercial breeding or use of animals shall not be permitted under this use.
 - d. Animals shall be kept under control on the owner’s property.
 - e. No large animals or large fowl shall be housed or permitted to congregate within 50 feet of a property line and within one hundred (100’) feet of an adjacent residential dwelling. Manure shall be covered and stored at least 50 feet from the property line; and storage of large amounts and concentrations of manure shall be prohibited.
 - f. No small fowl shall be housed or permitted to congregate within the required front, side or rear yards.
 - g. No manure shall be stored within 100 feet of a private water supply and no manure shall be spread on lawns.
 - h. No objectionable sounds shall extend beyond the property line. Buildings, which house animals or fowl, shall be adequately soundproofed so sounds are not objectionable at the property line.
 - (i) Lofts or other structures used to house animals or fowl shall be maintained in a clean, orderly condition and kept in good repair.
10. Noncommercial Swimming Pool. A commercial swimming pool designed to contain a water depth of 24 inches or more shall not be located, constructed, or maintained on any lot or land area except in conformity with the following requirements:
- a. Permit – A Zoning Permit shall be required to locate, construct or maintain a noncommercial swimming pool; the permit must be certified by the Sewage Enforcement Officer.
 - b. Location – Such pool shall be located in a rear or side yard only. No above or in-ground pool shall be located within 15 feet of a side or rear lot line or under any electrical lines, or over any-lot sewage disposal field or system.
 - c. Fence – Every in-ground noncommercial swimming pool shall be entirely enclosed with a childproof fence of not less than 4 feet in height equipped with a self-closing and self-latching gate. Above ground pools shall not require a fence, but shall require a self-closing and self-latching gate to any pool access platform.
 - d. Water – If the water for such pool is supplied from a private well, there shall be non cross-connection with the public water supply system. If the water for such pool is supplied from the public water system, the inlet shall be above the overflow level of said pool.
 - e. Drainage – The draining of all pools shall occur in a manner that does not cause soil erosion and does not directly drain the water into a perennial creek.
 - f. Noise – No loudspeaker or amplifying device shall be permitted which will project sound that can be heard inside a dwelling on another lot.
 - g. Lighting – Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
11. Recreational Vehicle, Parking of One. No recreational vehicle or unit shall be stored for a period of 3 consecutive months within a front yard or within 10 feet of a side yard or a rear yard line.

12. Residential Accessory Building, Structure or Use. Permitted residential accessory buildings, structures or uses includes:

- a. Fences and Walls –
 - (i) Fences and walls in the required side and rear yard areas shall not exceed 6 feet in height (except tennis court fences which shall not exceed 10 feet in height), and shall be at least 2 feet from a lot line or easement line unless the abutting property owner agrees in writing to allow it to be closer.
 - (ii) Fences or walls placed in the required front yard shall not exceed 6 feet in height and shall be no closer than one foot to a property line.
- b. Building –
 - (i) An accessory building or a swimming pool shall not be allowed in the minimum required front yard. If an accessory building intrudes into the minimum rear or side yard for a principal building, then subsection (ii) below shall apply.
 - (ii) Accessory structures may be located within the required side and rear yard as follows:

Size of Accessory Structure	Height Requirements	Required Side and Rear Yards*
Up to 144 square feet	Not-to-exceed 10 feet	Located up to within 5 feet of a side or rear property line.
Over 144 square feet	Not-to-exceed 20 feet	Located up to within 10 feet of a side or rear property line.
*Note: In some zoning districts the above yards may be permitted at a lesser distance if allowed by the particular zoning district.		

13. Retail Sale of Agricultural Products.

- a. The use shall be an accessory use incidental to the agricultural use, agricultural industry or orchard.
- b. A minimum of 25 percent of the products offered for sale shall have been produced by the operator of the sales, his / her relatives and/or on other farms within Upper Milford Township.
- c. The building or area where products are displayed or sold shall be at least 50 feet from an intersection and shall be at least 20 feet from the cartway.
- d. Parking shall be provided in compliance with the provisions of Article 7.

14. Seasonal roadside produce market. Roadside produce markets for the sale of dairy, farm, or nursery products are permitted with the following restrictions:

- a. Size – The area where products are displayed or sold shall not exceed 800 square feet.
- b. Location – The stand shall be at least 50 feet from an intersection, and shall be at least 20 feet from the cart-way.
- c. Removal in Off-Season. The stand shall be portable, shall be maintained in good condition and shall be removed during seasons when products are not being offered for sale.
- d. Parking – Parking for vehicles shall be provided off the existing and future right-of-way and in compliance with provisions of Article 7.

15. Solar Energy System. No solar energy system shall deny solar access of existing active solar collection devices on adjacent lots. Solar energy collectors attached to the roof of a building may exceed the maximum height limit by 10 feet.

16. Temporary Structure or Use. A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:

- a. Duration – The life of such permit shall not exceed one year and may be renewed for an aggregate period of not more than 2 years.
 - b. Removal – Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If not removed by the owner upon expiration of the permit, the Township may remove such structure or use and recover the costs for the removal from the owner.
17. Tennis Court.
- a. A tennis court shall not be located in front of the principal building and shall not be located within any required yard areas.
 - b. No lighting shall shine directly beyond a boundary of the lot where the tennis court is located.
 - c. Noise levels shall comply with Section 511 of this Ordinance.
 - d. A tennis court shall not be located on a drainage field of a sewage disposal system.
18. Wind turbine, Maximum of One Per Lot as accessory use, that is primarily intended to generate electricity for on-site use .
- a. All Wind turbines shall be set back from the lot line a minimum distance equal to the total height to the top of the maximum extended turbine blade, as measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such adjacent lot.
 - b. The audible sound from the wind turbine shall not exceed 50 A weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
 - c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine is no longer used to generate electricity.
 - d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level.
 - e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the wind turbine base.
 - f. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
 - g. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
 - h. In a CON, R-A, RS-R, S-R, VC or VR district, the maximum total height above the ground level to the tip of the extended blade shall be 85 feet, except it may be 100 feet if the turbine will be setback more than 200 feet from any lot line. In any other district, such maximum height shall be 150 feet.
 - i. All new electrical wiring leading from a wind turbine shall be located underground.
 - j. A plot plan shall be submitted which shows the proposed facilities with the proposed total height, existing buildings, lot lines, minimum setbacks, areas of woods proposed to be cleared and existing and proposed underground lines in the area of proposed activity.